

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENRIQUE CASTILLO,

ORDER

Plaintiff,

21-CV-1744 (GBD) (JW)

-against-

Z DELI GROCERY V CORP d/b/a Z Grill, ALI
ESMAEL ZIAD, and MOHAMMED ZIAD,
individually,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On February 22, 2023, Plaintiff filed a motion seeking to compel Defendants' former counsel, Mr. Michael Chong, to provide the phone number and email addresses for Defendants Z Deli Grocery V Corp, Mr. Ali Esmael Ziad, and Mr. Mohammed Ziad. Dkt. No. 66. Neither Michael Chong, nor the Defendants, filed any response.

It is well-settled that attorney-client privilege does not, absent special circumstances, protect the identity of a client. See In re Shargel, 742 F.2d 61, 62 (2d Cir.1984). This is so even if the revelation prejudices the client. See Lefcourt v. United States, 125 F.3d 79 (2d Cir. 1997) (holding that the attorney-client privilege does not protect client-identifying information simply because the information could prejudice the client). Furthermore, the burden of establishing the attorney-client privilege, in all its elements, "always rests upon the person asserting it." See United States v. Schwimmer, 892 F.2d 237, 244 (2d Cir. 1989).

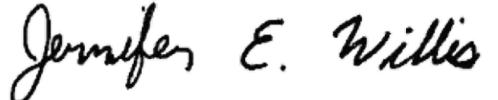
Because no evidence was presented that the email addresses and phone numbers Plaintiff seeks were related to the legal advice the Defendants sought from Mr. Chong, the email addresses and phone numbers are not protected. See generally Litton Indus., Inc. v. Lehman Bros. Kuhn Loeb Inc., 130 F.R.D. 25 (S.D.N.Y. 1990)(Gershon, M.J.).

Therefore, Plaintiff's motion to compel, Dkt. No. 66, is granted. The Defendants' former attorney, Mr. Michael Chong, is thus ordered to produce to the Plaintiff the email addresses and phone numbers for Defendants Z Deli Grocery V Corp, Mr. Ali Esmael Ziad, and Mr. Mohammed Ziad within fourteen days of being served with this Order.

Plaintiff shall serve a copy of this Order on Mr. Chong, and file proof of such service, by **March 15, 2023**.

SO ORDERED.

DATED: New York, New York
March 1, 2023



JENNIFER E. WILLIS
United States Magistrate Judge